

EXHIBIT D

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Via Email

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Re: *Authors Guild, David Baldacci, Mary Bly, et al. v. OpenAI et al.*, No. 1:23-cv-8292 &
Alter, Bird, Branch, et al. v. OpenAI et al., No. 1:23-cv-10211: books1 and books2

Counsel:

We write to provide an update on previous discussions regarding books1 and books2.

Based on our investigation to-date, we understand that OpenAI researchers who are no longer employed at OpenAI created training datasets known as books1 and books2, which are identified in [the GPT-3 white paper](#) published in 2020. We understand that these datasets were included in the training data for GPT-3 and GPT-3.5 (which have both been deprecated), but not for any subsequent models. GPT-3.5 Turbo, GPT-4, GPT-4 Turbo and our other currently available models were not trained on these datasets.

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We also understand that the use of books1 and books2 for model training was discontinued in late 2021, after the training of GPT-3 and GPT-3.5, and those datasets were then deleted in or around mid-2022 due to their non-use. We therefore have not yet located copies of books1 and books2 to make available for inspection, but are actively working on doing so, to the extent that they are still available. In parallel, we are gathering information about the composition of books1 and books2 that could be used to provide an appropriate substitute if we are unable to locate the datasets themselves.

Apart from books1 and books2, all other pre-training data for GPT-3 and GPT-3.5 is available for inspection subject to agreement on an appropriate inspection protocol, based on our investigation and current understanding of the data used for pre-training these models. And all pre-training data for GPT-3.5 Turbo, GPT-4, and GPT-4 Turbo is likewise available for inspection subject to agreement on an appropriate inspection protocol, based on our investigation and current understanding of the data used for pre-training these models.

Sincerely,

A handwritten signature in black ink, appearing to read 'JC Gratz', with a stylized, sweeping flourish extending from the end.

Joseph C. Gratz